

THE , COMMISSION , OF , FINE , ARTS

ESTABLISHED BY CONGRESS MAY 17, 1910

J. CARTER BROWN, Chairman

HAROLD BURSON

JOHN S. CHASE

SONDRA G. MYERS

WALTER A. NETSCH

ALAN R. NOVAK

EDWARD D. STONE, JR.

CHARLES H. ATHERTON, Secretary

708 JACKSON PLACE, N.W.
WASHINGTON, D.C. 20006
202-566-1066

MEETING OF THE COMMISSION OF FINE ARTS

December 15, 1981

AM
10:00

CONVENE, 708 Jackson Place, N. W., Washington, D. C.

I. ADMINISTRATION

- A. Dates of next meetings: January 12, 1982
February 17, 1982 (Wednesday)
- B. Approval of November 10, 1981 minutes of the Commission of Fine Arts.
- C. D. C. Bill 4-334, Enclosed Sidewalk Cafe Act of 1981, report on December 7, 1981 hearing.
- D. D. C. Bill 4-29, Historic Landmark Implementation Act of 1981, report on November 16, 1981 hearing.

II. SUBMISSIONS AND REVIEWS

A. Smithsonian Institution

CFA 15/DEC/81-1, South Quadrangle development, revised design studies of museum pavillions.

B. National Park Service, National Capital Region

- 1. CFA 15/DEC/81-2, Main Lobsterman, sculpture and pedestal, Southwest Waterfront, base and setting design.
- 2. CFA 15/DEC/81-3, Tennis "bubble", new covering for inflatable structure, West Potomac Park.

II. SUBMISSIONS AND REVIEWS CONTINUED, 15 December, 1981

C. Pennsylvania Avenue Development Corporation

1. CFA 15/Dec/81-4, Drinking Fountain, revised design studies.
2. CFA 15/Dec/81-5, John Marshall Park, mock-up of light poles, inspection and/or report
3. CFA 15/Dec/81-6, Evening Star Building renovation and addition design studies, 1101 Pennsylvania Ave., N.W.

D. District of Columbia Government Office of Planning and Development

CFA 15/Dec/81-7, National Theatre, revised design proposal for second floor enclosed balcony addition.

E. District of Columbia Department of Housing and Community Development

1. Shipstead-Luce Act

- a. S.L. 82-10, 727 15th Street, N.W., renovate facade of Playhouse Theatre and build new 12 story office building behind.
- b. S.L. 82-14, 2300 N Street, N.W., new commercial/office complex for U.S. News and World Report.
- c. S.L. 82-15, 1331 Pennsylvania Ave., N.W. Quadrangle/Marriott complex, final working drawings.
- d. Appendix 1.

2. Old Georgetown Act

- a. O.G. 82-16, 1532 Wisconsin Ave., N.W., design for new rear addition to Suters Tavern.
- b. O.G. 82-19, 1015 31st St., N.W., final working drawings for new office building.
- c. Appendix 2.

REPORT OF ACTIONS TAKEN UNDER THE SHIPSTEAD-LUCE ACT

<u>NO.</u>	<u>ADDRESS AND OWNER</u>	<u>PROJECT</u>
S.L. 81-97	1111 Pennsylvania Ave, N.W. American Security Bank	Remove a portion of glass to install Automatic Teller Machine.
ACTION: Issue permit for Automatic Teller Machine installation, requiring replacement of existing glass with solid panel having anodized finish, stainless steel writing counter and white helvetica medium lettering.		
S.L. 82-04	2613 Klinge Road, N.W. Martin Landau	Construct new wood dwelling
ACTION: Issue permit		
S.L. 82-05	2040 Allen Place, N.W. Chalfant Walker	Revise 2nd floor porch, add exterior deck
ACTION: Issue permit for rear alterations and deck.		
S.L. 82-06	2112 F Street, N.W. Washington Realty Group	Change front exterior face material from Granite to Brick
ACTION: Issue revised permit: substitution brick for Granite #116-10 for the facade & Utility #893 for side elevations.		
S.L. 82-07	1321 E Street, N.W. The National Theatre	Balcony Addition
ACTION: Case withdrawn from considerations at request of applicant		
S.L. 82-08	1331 Pennsylvania Ave, N.W. Square 245A Associates	Brick Sample Review
ACTION: Issue permit for use of following brick: 272A Hanley Brick Co. Conventional mortar to be used with Flamingo C-55 color admixture (medium Gray).		
S.L. 82-09	1447 Rittenhouse Street, N.W. Alexander Cotton	Alterations-Repair
ACTION: This case is not within the jurisdiction of the Commission of Fine Arts.		

REPORT OF ACTIONS TAKEN UNDER THE SHIPSTEAD-LUCE ACT

<u>NO.</u>	<u>ADDRESS AND OWNER</u>	<u>PROJECT</u>
S.L. 82-11	1828 Taylor Street, N.W. Mr & Mrs. John D. Charles	To construct 2-story addition at existing structure.

ACTION: This case is not with in the jurisdiction of the Commission of Fine Arts.

S.L. 82-13	317 Pennsylvania Avenue, S.E.	Sign
HPA. 82-55	Marriot	

ACTION: Issue permit for sign as submitted.

REPORT OF ACTIONS TAKEN UNDER THE OLD GEORGETOWN ACT

<u>NO.</u>	<u>ADDRESS AND OWNER</u>	<u>PROJECT</u>
O.G. 81-190	3330 Reservoir Road, N.W.	Raise roof for addition
HPA. 81-558	J. Sagarminaga	to existing residence

ACTION: Issue permit for expansion of third story as shown on modified drawings.
Owner has consented to the modification.

* O.G. 82-005	1025 Thomas Jefferson Street, N.W.	Construction of new office
HPA. 82-024	Crow Washington #1	structure with commercial and accessory parking

ACTION: Issue permit.

O.G. 82-006	1238 Wisconsin Avenue, N.W.	2 6x6 Leasing signs
HPA. 82-025	MVF Associates	

ACTION: Issue permit for two "leasing" signs mounted flush on walls facing Wisconsin Ave.
and Prospect Street, not to exceed four feet-by-four feet.

O.G. 82-007	3410 "Q" Street, N.W.	Construct in-ground
HPA. 82-029	David & Julie Stephenson	swimming pool

ACTION: Issue permit for in-ground pool.

O.G. 82-008	1506 27th Street, N.W.	erect 6' high wood fence
HPA. 82-030	Robert Enzel	

ACTION: Issue permit for fence.

O.G. 82-009	1313 Potomac Street, N.W.	Replace existing wood steps
HPA. 82-034	Mr. & Mrs. Battle	and front porch.

ACTION: Issue permit for new entrance stoop as shown on drawings marked "approved".
Sidewalls, but not treads, shall be painted to match house.

O.G. 82-011	1061 Thomas Jefferson St, N.W.	Alterations-Repairs
HPA. 82-044	Elliot Mouten	

ACTION: Preliminary design approved as conforming to previous Commission
recommendations and subject to approval of final drawings by Commission prior to
issuance of permit.

REPORT OF ACTIONS TAKEN UNDER THE OLD GEORGETOWN ACT

<u>NO.</u>	<u>ADDRESS AND OWNER</u>	<u>PROJECT</u>
O.G. 82-012 HPA. 82-046	3241 & 3243 M Street, N.W. Mr. David Brittingham	Renovation of front & rear of building
ACTION: Preliminary design approved subject to approval of final working drawings by Commission prior to issuance of permit.		
O.G. 82-013 HPA. 82-048	3255 M Street, N.W. Time Out Family Amusement Center	Recess existing front doors
ACTION: Issue permit for alterations to doorway creating a vestibule.		
O.G. 82-014 HPA. 82-049	3210 Grace Street Restaurant Mgmt, Inc.	Addition and alterations as as shown on drawings to be restaurant and health club.
ACTION: Preliminary scheme approved subject to approval of working drawings and material samples by Commission prior to issuance of permit.		
O.G. 82-015 HPA. 82-054	3127 "O" Street, N.W. Catherine Lang	New shed dormer on rear of house
ACTION: Issue permit for alterations to roof and new dormer.		
O.G. 82-017 HPA. 82-058	1079 Wisconsin Avenue, N.W. Richard H. & Phillip Levy	Placement of wooden sign flat against bldg face.
ACTION: Issue permit for sign to be located as shown on modified drawings with concurrence of applicant.		
O.G. 82-018 HPA. 82-059	3229 M Street, N.W. Dash's Designer	Store front remodeling and new sign
ACTION: Preliminary scheme is not approved, being out of character with the historic district. The arch motif and the multiple curved canopies are not recommended, though further study of a new brick facade with the horizontal, rectilinear character of this part of the street may be satisfactory. Request conference with architect.		
O.G. 82-021 HPA. 82-070	1050 Thomas Jefferson Street, N.W. Perpetual American	
ACTION: Do not issue permit modification. Recommend installation wall mounted signs as approved, (O.G. 81-165)		

REPORT OF ACTIONS TAKEN UNDER THE OLD GEORGETOWN ACT

<u>NO.</u>	<u>ADDRESS AND OWNER</u>	<u>PROJECT</u>
O.G. 82-020	3632 Prospect Street, N.W.	enlarge window
HPA. 82-067	Thomas Lott	

ACTION: Revise previous plan, no objection to enlarge window on third floor
(O.G. 81-102)

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MINUTES OF THE COMMISSION OF FINE ARTS

15 December 1981

The meeting was convened at 10:00 a.m. in the Commission of Fine Arts offices at 708 Jackson Place, N. W., Washington, D. C.

Members Present:

Hon. J. Carter Brown, Chairman
Hon. John S. Chase
Hon. Sondra G. Myers
Hon. Walter A. Netsch
Hon. Alan R. Novak
Hon. Edward D. Stone, Jr.

Staff Present:

Mr. Charles H. Atherton, Secretary
Mr. Donald B. Myer, Assistant Secretary
Mr. Jeffrey R. Carson
Mrs. Sue A. Kohler
Mr. Richard H. Ryan

National Capital Planning

Commission Staff Present:

Mr. George Evans

I. ADMINISTRATION

- A. Dates of next meetings, approved as: 12 January 1982
17 February 1982 (Wednesday)

- B. Minutes of 10 November 1981 meeting, approved.

C. D. C. Bill 4-334, Enclosed Sidewalk Cafe Act of 1981, report on 7 December 1981 hearing. The Secretary reported on his testimony at this hearing. He said he thought one of the most important points to be resolved was the degree to which these structures may extend into public space; he said this was specifically discussed at the hearing. He asked if the Commission would like him to write a follow-up letter in which a fifteen foot maximum would be suggested. He said that while Chairman David Clarke stressed that these structures should remain

temporary and be opened up in good weather, testimony from cafe owners indicated their desire for more permanence. He noted also that these enclosed cafes are proliferating rapidly and asked if the members would like to ask, in the letter, that the Mayor declare a moratorium on their construction until the bill has been rewritten and passed by the Council. The members unanimously agreed to a letter containing the points mentioned, and they commended the Secretary on his testimony. In answer to a question from Mr. Netsch, the Secretary said he did not think there was any relationship between this bill and the one giving the Mayor power to remove the building line restrictions. EXHIBIT A

D. D.C. Bill 4-29, Historic Landmark Implementation Act of 1981, report on 16 November 1981 hearing. The Assistant Secretary said he had appeared at this hearing, and that an amendment to the Historic Preservation Law involving transfer of air rights had been discussed. He said he was not sure the Commission of Fine Arts would have any jurisdiction in these cases, and that other agencies felt that while the subject was worth pursuing, it needed further investigation before any action could be taken.

II. SUBMISSIONS AND REVIEWS

A. Smithsonian Institution

1. CFA 15/DEC/81-1, South Quadrangle development, revised design studies of museum pavilions. The Secretary introduced Phillip Hughes, Under Secretary of the Smithsonian, who reported that efforts had been made to simplify the design of the pavilions and integrate them with the other buildings in a more satisfactory manner. He said the Planning Commission had approved the concept for the Quadrangle at its meeting on 5 November 1981. Architect Jean-Paul Carlhian was then introduced to discuss the changes that had been made. Mr. Carlhian first showed the previous designs and noted the Commission's criticism of them as too richly ornamented and overly powerful in relation to the Castle. He also pointed out the entrances into the pavilions and the problem of integrating them with the Beaux-Arts design. He said this problem had been solved by opening up one bay, treating it as a loggia, and placing the actual entrance inside. He pointed out the simplification and the flattening of the facades, the use of the arch form in both the pavilions to relate them to the Freer and to each other, and the use of horizontal lines at the same height to help tie them together. He said the fomed roofs would not dominate the small structures from the sidewalk level, as no more than three domes on each building would ever be visible. Mr. Netsch said he considered the designs greatly improved; he thought the proportions and details were much better. Mr. Carlhian said the material would be granite, subdued pink for one pavilion, pale green for the other. Roofs would be copper, lead-coated if the green patina was objectionable. For the window frames Mr. Carlhian said he was considering either wood or painted metal, in the same color as the granite but a lighter shade. Granite

curbs and walls elsewhere in the area would be the traditional light grey; stone surrounding the stairwell entrance to the lower levels would be red sandstone, like the Castle.

The garden area was then discussed by Mr. Carlhian and Ms. Smith from Sasaki Associates. Mr. Carlhian said there would be at least three feet of earth over the underground construction, which would accommodate small trees and shrubs, while the larger species could be grown elsewhere in the area. He noted there would be no construction under the large linden tree near the Castle. Ms. Smith said the plantings along Independence Avenue would be coordinated with EDAW, the firm working on the landscaping of the avenue. Mr. Stone suggested that a row of trees on either side of the central area would help reinforce the vista towards the Castle and keep the side gardens more private. Ms. Smith said that suggestion had been made at the Planning Commission meeting and they were now considering a staggered, double row of trees. Mr. Stone also suggested some minor changes in the Islamic garden and stressed that the water element must be given sufficient strength and that the materials used throughout the garden must be of the highest quality. Mr. Carlhian said the lake in the Japanese garden was still questionable because of the possibility of leakage; he said a raked sand garden may be used instead. There were no further questions; the members were pleased with the revised preliminary design and it was unanimously approved.

EXHIBIT B

B. National Park Service, National Capital Region

1. CFA 15/DEC/81-2, Maine Lobsterman, sculpture and pedestal, Southwest Waterfront, base and setting design. This project was withdrawn.

2. CFA 15/DEC/81-3, Tennis "bubble", new covering for inflatable structure, West Potomac Park. The Assistant Secretary pointed out the location of this enclosed tennis court, behind the Jefferson Memorial. He said the Park Service planned to replace the present translucent turquoise covering and was requesting the use of an off-white material. The members thought this would be an improvement and the color change was unanimously approved. EXHIBIT C

C. Pennsylvania Avenue Development Corporation

1. CFA 15/DEC/81-4, Drinking fountain, revised design studies. This project was withdrawn.

2. CFA 15/DEC/81-5, John Marshall Park, mock-up of light poles, inspection and/or report. The Assistant Secretary said the night-time mock-up had been cancelled because of weather and would be rescheduled.

3. CFA 15/DEC/81-6, Evening Star Building renovation and addition, design studies; 1101 Pennsylvania Avenue, N. W. The Assistant Secretary introduced Donald Ganster, new staff member of PADC, who in turn introduced architects Gerald Karns and Karl Miller from the office of Harry Weese and Associates to discuss the design of this new infill building. Mr. Karns showed slides of the 1898 Star Building, by local architects Marsh and Peter, pointing out also the 1930's addition on Eleventh Street by the same architects, the small buildings presently on the site of the proposed new addition, and the Presidential Building to the west, on the corner of Twelfth Street and Pennsylvania Avenue. He said the developer for the new project would be Jonathan Woodner; he added that the project had received approval from PADC. Besides the new addition on Pennsylvania Avenue, the project would include renovation of the Star Building and annex, air rights construction over the entrance to the Presidential Building parking garage on Eleventh Street, and a three story glazed penthouse addition above the annex and the air rights construction. There would also be a possibility for restaurant or club house space on the roof of the old Star Building, although this would have to be a temporary structure. Mr. Karns said that in studying ways to relate the new building to its neighbors, he had been conscious of the need to counterbalance the corner of the Old Post Office building across the street and thus form a gateway up Pennsylvania Avenue to the Capitol; he had also tried to design a building which would keep the dominance of the old Star Building and relate to it but not mimic it. Drawings and a model showed a structure with a facade which curved back from Pennsylvania Avenue to the Presidential Building. It was set back slightly from the Star Building to differentiate the two structures. Floor levels and horizontal bands and cornice lined up with those of the Star Building, whose punched windows and round arches on the ground and top floors were also repeated. In contrast to the rustication, quoining and three dimensional ornament on the old building, however, the new addition was almost flat, relieved only by the horizontal banding, shallow panels and pilasters, and the frames around the openings. The air rights addition closely resembled the Star annex but used a three part window. Mr. Karns said there would be a public arcade, exhibition and commercial space on the ground floor on Pennsylvania Avenue and possibly an entrance into the basement through a vault under the Eleventh Street sidewalk; this, however, would have to await a decision on whether or not to alter the width of the street.

The members then discussed the design. Mr. Netsch observed that while the classic division of the building into base, center section and top had been followed, the fenestration (unlike that on the old building) showed no classic rhythmic progression or grouping. He was bothered by the proportion of the windows in relation to the verticality of the facade and by the actual window style, particularly the use of divided transoms in the lower section.

The Chairman said he had reservations about the design as a whole, and whether it would function effectively as background architecture.

He felt that the vista towards the Capitol was already framed nicely by the Star's narrow verticality and its elaborate facade; building another structure next to it raised the design dilemma of an avenue facade cut almost down the middle. He thought the curving facade and very small setback presented difficulties and said that more crispness and a sharper differentiation between the two buildings were needed. All agreed that the design needed further study, and it was unanimously disapproved. EXHIBIT D

D. District of Columbia Government Office of Planning and Development

1. CFA 15/DEC/81-7, National Theatre, revised design proposal for second floor enclosed balcony addition. Staff member Jeffrey Carson recalled the Commission's request for further study of this project at the meeting on 13 October 1981, the reservations about the length and breadth of the addition, and the questioning of the supports coming down to the sidewalk. He showed a revised drawing with an addition considerably longer than the one previously presented, and he said the staff had been concerned about the placement of the columns and their relation to the existing structure. He introduced Donald Murphy from the National Theatre; Mr. Murphy said the Commission's previous comments had been helpful, and he noted that the new design had been developed more as a colonnade than a balcony. Mr. Netsch observed that the structure was now 50% larger than before, and he asked Mr. Murphy what new functions had been added. Mr. Murphy answered that there was no change in use contemplated; the larger size had resulted simply from the need for more space. He said he thought it better to make a positive statement here since the block was so long. Mr. Netsch was concerned that a great deal of public space would be occupied by this addition. He thought the design completely unsatisfactory, particularly because of the awkward placement of the columns and the fact that there was no relationship between the elements of the facade and the addition.

The Chairman noted that the Commission had asked that the addition not extend more than fifteen feet and that it be cantilevered if feasible. Mr. Stone agreed that it should be considerably reduced in size and all agreed that if a cantilever proved too expensive, at least the use of columns should be well thought out, and they should relate to the existing structure. The Chairman told Mr. Murphy that if the Commission were to make an exception and let them place this construction in public space, the design would have to be very good. The members agreed that the scheme submitted did not fall into that category and it was unanimously disapproved. EXHIBIT E

E. District of Columbia Department of Housing and Community Development

1. Shipstead-Luce Act

a. S.L. 82-10, 727 15th Street, N. W., renovate facade of Playhouse Theatre and build new 12 story office building behind. The Assistant Secretary told the members that the theatre building had been designed in 1907 by Paul Pelz and is sited between the 1906 Folger Building by Jules Henri de Sibour to the south and a Jacobean style office building of 1920's vintage to the north. Theodore Mariani of the firm of Mariani & Associates was then introduced. He showed slides of the old buildings and his proposed design for an infill structure. He said the Pelz building had originally been a brokerage house and was converted to a theatre in 1948. He noted that the theatre conversion had damaged the entrance area and there had been some weathering of the stone, but the elaborate ornamentation and sculpture were still in good condition. The project would become the headquarters for the National Bank of Commerce, which would carry on its banking functions at the basement, ground floor and mezzanine levels. The upper floors would house offices. There would be two lobbies, one to serve the bank and the other for the office floors. Mr. Mariani showed slides of several schemes his firm had developed in an effort to make the new building relate to the verticality of its neighbors and avoid interfering with the cornice and mansard of the Folger Building and the elaborate cornice of the low theatre building. He said the Landmarks Committee had suggested some further stepping back at the top, which was reflected in the last scheme shown at this Commission meeting. He noted that the Landmarks Committee would have to review the design again, although they approved the concept.

The members were in general quite pleased with the revised design, with its center tier of balconies and large areas of glass. The Chairman thought the lowest balcony should be enclosed, like the others, to make the design more passive. Mr. Netsch suggested stopping the strip windows just short of the adjoining structures so they would not seem to butt directly against the old walls. Mr. Stone thought the mansard of the Folger Building still needed a little more breathing space. In short, further refinement was recommended before approval could be given.

b. S.L. 82-14, 2300 N Street, N. W., new commercial/office complex for U. S. News and World Report. (Mr. Netsch left the room before the discussion began, because of his former association with the architects, Skidmore, Owings & Merrill.) Staff member Jeffrey Carson located this project on a map, noting that it would cover a two block area bounded by 23rd, M, 25th and N Streets, N. W. It would be a multi-use development, sections of which would overlook Rock Creek Park. The construction would be undertaken in phases; the first would be a headquarters building for U. S. News and World Report. He introduced architect David Childs from Skidmore, Owings & Merrill, who then introduced representatives from Boston Properties, developers, and from U. S. News and World Report. Mr. Childs discussed the design concept and site plan, noting the existence of several structures on the site: the present offices for U. S. News and World Report, a warehouse and parking facilities, as well as Francis Junior High School and a swimming pool just to

the north. He said the West End had recently been rezoned, this area having been designated CR--half commercial, half residential--with the possibility of PUD development. He stated, however, that the scheme to be presented was within matter-of-right zoning. Mr. Childs discussed the character of the area, noting that M Street, a major link to downtown, was changing from a spotty, interim-use, light industry type of development to a residential/office orientation. He said this phased project, when completed, would have a campus type atmosphere, with a hotel on M Street and an office building, apartment house and the U. S. News and World Report headquarters to the north. There would be a row of low townhouses north of N Street, bordering the park. The entrance into the complex at 23rd and M would be curved, as would the "T" shaped intersection at 23rd and N. Materials used would include limestone and masonry and would vary within the project. Mr. Stone suggested that a careful choice of lighting and plantings could provide a strong unifying factor. Mr. Childs agreed and commented that in determining the type and spacing for the street trees, he would refer to the downtown task force guidelines being set up by the Mayor's office. The Chairman asked about sight lines from the park, and Mr. Childs showed photographs taken from the Parkway and from Rose Park to the west with building outlines drawn in. The members had no objection to the project at this stage, and the concept was unanimously approved.

c. S.L. 82-008, 1331 Pennsylvania Avenue, N. W. Quadrangle/Marriott complex, final working drawings. Mr. Ryan said the staff had reviewed these drawings and found them unchanged from the preliminary set. They were unanimously approved with the condition that the decorative tile element along Pennsylvania Avenue, still under study, would be presented in mock-up form.

d. Appendix 1, approved.

2. Old Georgetown Act

a. O.G. 82-16, 1532 Wisconsin Avenue, N. W., design for new rear addition to Suter's Tavern. The Assistant Secretary said that work on this project, for a dining room and mechanical space addition on a rear alley, had been started without a permit and had proceeded quite far before the Georgetown Board saw it. It has now been reviewed twice and found unacceptable. The Assistant Secretary said the Board thought the two floors should be more consistent with each other. The members agreed with the Board and the project was unanimously disapproved.

b. O.G. 82-19, 1015 31st Street, N. W., final working drawings for new office building. Staff member Richard Ryan recalled that the Commission had seen this design before, and that the final working drawings had been approved by the Georgetown Board, with only a minor change in the size of a reveal. The members agreed unanimously to approve the drawings on that basis.

15 December 1981

8.

c. Appendix 2, approved.

The meeting was adjourned at 12:55 p.m.

Signed,

A handwritten signature in cursive script, appearing to read "Charles H. Atherton".

Charles H. Atherton
Secretary

EXHIBIT A

STATEMENT OF CHARLES H. ATHERTON, SECRETARY

COMMISSION OF FINE ARTS

BEFORE

THE JUDICIARY COMMITTEE, D. C. COUNCIL

ON

BILL 4-334 "ENCLOSED SIDEWALK CAFES"

DECEMBER 7, 1981

GOOD MORNING. MY NAME IS CHARLES ATHERTON AND I AM APPEARING HERE THIS MORNING ON BEHALF OF THE COMMISSION OF FINE ARTS. I APPRECIATE THE OPPORTUNITY TO TESTIFY ON BILL 4-334 WHICH WOULD AUTHORIZE CONSTRUCTION OF ENCLOSED SIDEWALK CAFES. THE COMMISSION DISCUSSED THIS LEGISLATION AT ITS MEETING ON NOVEMBER 10, 1981 AND ASKED ME TO ATTEND THIS HEARING AND EXPRESS THE COMMISSION'S OPPOSITION TO THE BILL IN ITS PRESENT FORM.

FIRST LET ME SAY THAT THE COMMISSION LIKES SIDEWALK CAFES, EVEN ENCLOSED SIDEWALK CAFES IF THEY ARE WELL DESIGNED. THE FESTIVE AND INFORMAL ATMOSPHERE OUTDOOR DINING CAN BRING TO OUR STREETS SHOULD BE WELCOMED IN ANY BIG CITY, BUT ESPECIALLY IN WASHINGTON, WHERE IT WOULD OFFER THE OPPORTUNITY TO RELAX AND FULLY APPRECIATE THE BEAUTY OF OUR AVENUES AND WIDE PUBLIC SPACES. THE FORESIGHT OF THE ORIGINAL PLANNERS OF WASHINGTON INDEED PROVIDED IDEAL CONDITIONS FOR THE PUBLIC ENJOYMENT OF OUR THROUGHFARES WAY BEYOND THE UTILITARIAN NEEDS OF TRANSPORTATION. SO WE SHOULD ENJOY THIS AMENITY BY MAKING GOOD USE OF IT. THE QUESTION, OF COURSE, IS HOW WE TREAT THIS SPACE AND THE STRUCTURES IN IT WITHOUT DETRACTING FROM THE BASIC AMENITY ITSELF.

UNFORTUNATELY, MANY OF THE DELIGHTS OF OUTDOOR CAFES ARE LOST WHEN THEY ARE ENCLOSED. FOR ONE THING, THEY ARE LESS PLEASANT TO BE IN. MISSING IS THE SENSE OF BEING OUTDOORS, AND WITH IT A LOT OF THE PLEASURE. FROM THE PERSPECTIVE OF THOSE ON THE OUTSIDE LOOKING AT THE CAFE, THE LOSS CAN BE EVEN GREATER. OFTEN THE ENCLOSED CAFES SEEM TO BE CRUDELY PUT TOGETHER, LOOKING MORE LIKE LEAN-TO'S OR SHEDS THAN A PLACE FOR DINING. IF THE ENCLOSURE ITSELF IS UNATTRACTIVE, THEN IT FOLLOWS THAT THE EFFECT ON THE PUBLIC SPACE IS EVEN WORSE; THE APPEARANCE OF A STREET CAN BE SPOILED, THE VIEW BLOCKED OR INTERRUPTED, AND THE OVERALL CHARACTER DIMINISHED. AS I HAVE ALREADY MENTIONED, THE CHARACTER OF WASHINGTON'S STREETS IS VERY SPECIAL AND EVERYTHING MUST BE DONE TO PROTECT IT. THAT IS THE PRINCIPAL REASON WHY WE ARE HERE. I KNOW THAT THE AUTHORS OF THE BILL HAD SOME OF THESE SAME CONCERNS IN MIND. IT IS OUR POSITION, HOWEVER, THAT THERE ARE A NUMBER OF PROBLEMS THAT ARE NOT ADEQUATELY ADDRESSED IN THE BILL. LET ME GIVE YOU A FEW EXAMPLES.

THERE ARE NO WELL-DEFINED LIMITS ON THE SIZE. AS YOU KNOW, THE AMOUNT OF PUBLIC SPACE BETWEEN THE BUILDING RESTRICTION LINE AND THE CURB VARIES A GREAT DEAL IN WASHINGTON, AS DO THE WIDTH OF SIDEWALKS. THE COMMISSION FEELS IT IS IMPORTANT TO PUT CLEAR LIMITATIONS ON THE DIMENSIONS OF ANY ENCLOSED STRUCTURE PROJECTING INTO PUBLIC SPACE.

IN FACT, THIS IS PROBABLY OUR FIRST CONCERN FROM THE POINT OF VIEW OF PROTECTING THE CHARACTER OF THE STREETScape. JUST HOW FAR TO ALLOW SUCH A PROJECTION REMAINS TO BE SEEN. WE ARE NOT IN A POSITION TO SAY WITHOUT FURTHER STUDY; HOWEVER, IT IS OUR OPINION THAT IT SHOULD BE CONSIDERABLY LESS THAN CURRENTLY ALLOWED FOR OPEN CAFES. JUST AS BUILDING HEIGHTS ARE A FUNCTION OF THE STREET WIDTH, SO SHOULD EXTENSION INTO PUBLIC SPACE BE. IT MAY BE THAT A MAXIMUM DIMENSION OF FIFTEEN FEET SHOULD BE APPLIED TO ALL ENCLOSURES NO MATTER HOW WIDE THE PUBLIC SPACE. AT LEAST WITH SUCH A RESTRICTION, THERE WOULD BE GREATER ASSURANCE THAT ANY NEGATIVE EFFECTS OF AN EXTENSION INTO PUBLIC SPACE WOULD BE LIMITED. AS IT NOW STANDS, MANY STREETS HAVE AS MUCH AS THIRTY FEET OF SPACE AVAILABLE BETWEEN THE BUILDING LINE AND SIDEWALK, AND THIS IS FAR TOO MUCH TO ENCLOSE TOTALLY. IN MANY EUROPEAN COUNTRIES, WHERE SIDEWALK CAFES HAVE BEEN A PART OF THE SCENE FOR A LONG TIME, IT IS COMMON PRACTICE TO ENCLOSE ONLY A SMALL SEATING AREA FOR YEAR-ROUND DINING, WITH ENOUGH SPACE FOR ONE OR TWO ROWS OF TABLES. OUTSIDE THERE IS USUALLY ADDITIONAL SEATING WITH TABLES AND INDIVIDUAL UMBRELLAS TO BE USED WHEN THE WEATHER PERMITS. A SCHEME LIKE THIS SEEMS TO US TO STRIKE A REASONABLE BALANCE BETWEEN OPEN AND CLOSED USAGE AND BEARS SERIOUS CONSIDERATION BY THE COMMITTEE.

NEXT, THE QUESTION OF HOW MUCH STREET FRONTAGE IN ANY GIVEN BLOCK SHOULD BE DEVOTED TO ENCLOSED CAFE USE IS AN IMPORTANT ONE, BUT AGAIN IS NOT ADDRESSED BY THIS BILL. SHOULD ANY ENCLOSED STRUCTURE BE PERMITTED ACROSS AN ENTIRE INDIVIDUAL BUSINESS FRONTAGE? IF THERE ARE SEVERAL ADJACENT RESTAURANTS, SHOULD EACH BE PERMITTED ENCLOSED CAFES--AND IF SO, HOW FAR APART SHOULD THEY BE SEPARATED? OBVIOUSLY THE ANSWER TO ALL THESE QUESTIONS WILL HAVE A SIGNIFICANT EFFECT ON THE APPEARANCE OF THE STREET. APART FROM THE AESTHETICS, HOWEVER, ARE QUESTIONS INVOLVING THE VISIBILITY OF OTHER BUSINESSES AND THEIR ENTRANCES AND DISPLAY WINDOWS. FOR EXAMPLE, THE EFFECT OF A WELL-DESIGNED ENTRANCE PLAZA IN FRONT OF A LARGE OFFICE BUILDING COULD BE SERIOUSLY DIMINISHED IF FLANKED ON BOTH SIDES BY PROJECTING ENCLOSED CAFES. SIMILARLY, THE VISIBILITY OF A MODEST RETAIL SHOP FRONT WITH A SINGLE DOOR AND SHOW WINDOW COULD ALSO BE REDUCED AND THEREBY TAKE AWAY FROM THE COMMERCIAL VALUE OF THE PROPERTY. WHILE THERE ARE AESTHETIC FACTORS HERE, I BELIEVE THERE ARE ECONOMIC AND LEGAL QUESTIONS THAT MAY BE MORE IMPORTANT TO THE BUSINESS COMMUNITY AND THE CITY GOVERNMENT, AND THEY SHOULD RECEIVE MOST CAREFUL STUDY BEFORE ANY LEGISLATION IS ENACTED.

THE MATERIAL PERMITTED FOR USE ON CAFE ENCLOSURES ALSO CONCERNS THE COMMISSION. OTHER THAN SPECIFYING THAT MATERIALS ON THE SIDE WALLS HAVE TO BE TRANSPARENT AND COLORLESS, AND THE CONSTRUCTION DEMOUNTABLE WITHIN TWENTY-FOUR HOURS, THERE IS NO OTHER LIMITATION EXCEPT AN APPROVAL FROM THE "DIRECTOR", WHO, I ASSUME, WOULD BE THE DIRECTOR OF LICENSES AND INSPECTIONS. THE COMMISSION BELIEVES THE LIST OF "PERMITTED" MATERIALS SHOULD BE SPELLED OUT IN THE LEGISLATION SO THERE CAN BE NO QUESTION OF WHAT CAN AND CANNOT BE USED. PLYWOOD, CORRUGATED PLASTIC, AND SHEET METAL, USED BY THEMSELVES OR IN COMBINATION WITH COMMERCIAL ROOF COATINGS OR SHINGLES, ARE INAPPROPRIATE, IN THE COMMISSION'S OPINION. IN FACT, THE ONLY SUITABLE MATERIALS FOR THE ROOF SHELTER ARE PROBABLY NATURAL CANVAS OR VINYL AWNINGS. THEY HAVE THE ADVANTAGE OF BEING LIGHTWEIGHT AND DEMOUNTABLE; THEY ARE AESTHETICALLY PLEASING MATERIALS, AND COME IN BRIGHT COLORS THAT CAN BE WASHED OR EASILY REPLACED WHEN DISCOLORED OR WORN. IN SHORT, THEY HAVE THE RIGHT CHARACTERISTICS AND LEND THEMSELVES TO SIMPLE, SENSIBLY-DESIGNED ENCLOSURES.

THE SIDE WALLS, OTHER THAN HAVING TO BE COLORLESS AND TRANSPARENT AND 50% OPENABLE, ARE ANOTHER PROBLEM. HOW DOES ONE CONTROL WHAT THEY LOOK LIKE? UNDER THE PROPOSED REGULATIONS, IT WOULD APPEAR THAT A WHOLE RANGE OF COMMERCIAL AND DOMESTIC WINDOW-WALL SYSTEMS WOULD BE PERMITTED, SOME OF WHICH WOULD NO DOUBT BE SUITABLE AND OTHERS EQUALLY UNSUITABLE. FOR EXAMPLE, IT IS EASY TO IMAGINE A SYSTEM EMPLOYING PAINTED METAL STORM SASH THAT MIGHT BE PERFECTLY ACCEPTABLE ON A RESIDENTIAL PORCH BUT UNSUITED AESTHETICALLY TO WHAT SHOULD BE A MORE URBAN SETTING ON A PUBLIC STREET. YET THERE IS NOTHING IN THESE REGULATIONS THAT WOULD PROHIBIT ITS USE.

THE QUESTION, OF COURSE, BOILS DOWN TO ONE OF DESIGN REVIEW. NO MATTER HOW THOROUGH THE REGULATIONS ARE, THERE WILL ALWAYS REMAIN QUESTIONS OF HOW THEY ARE INTERPRETED AND APPLIED TO MANY VARYING SITUATIONS; AS MANY, I MIGHT SAY, AS THERE ARE DIFFERING BUILDING DESIGNS AND SITES TO WHICH THESE ENCLOSURES MUST RELATE. THIS HAS CERTAINLY BEEN THE COMMISSION'S EXPERIENCE IN ADMINISTERING SIMILAR REGULATIONS. WE HAVE NO SPECIFIC RECOMMENDATIONS AS TO HOW DESIGN REVIEW COULD BEST BE INCORPORATED INTO THE REGULATORY AND LICENSING PROCESS, BUT WE BELIEVE THIS IS AN ISSUE THAT SHOULD BE CAREFULLY CONSIDERED BY THIS COMMITTEE AND BY THE VARIOUS DEPARTMENTS THAT WILL HAVE TO ADMINISTER THE REGULATIONS.

I HAVE MENTIONED SOME OF THE MAJOR AREAS OF AESTHETIC CONCERN TO THE COMMISSION OF FINE ARTS. NO DOUBT THERE ARE OTHER ISSUES SUCH AS PUBLIC SAFETY AND FIRE THAT SHOULD ALSO RECEIVE YOUR CAREFUL ATTENTION BEFORE SENDING A FINAL VERSION OF THIS BILL TO THE COUNCIL. IN THE MEANTIME, THE COMMISSION IS WILLING TO ASSIST THE COMMITTEE IN ITS STUDIES. WE HAVE WORKED WITH THE DISTRICT GOVERNMENT ON SIMILAR ISSUES FOR MANY YEARS, SHARING A COMMON GOAL OF ENHANCING AND PROTECTING THE APPEARANCE OF THE CAPITAL, NOT ONLY FOR THE ENJOYMENT OF THE CITIZENS FORTUNATE ENOUGH TO LIVE THERE BUT FOR ALL OUR MANY VISITORS AS WELL.

THAT CONCLUDES MY STATEMENT, MR. CHAIRMAN. AGAIN, I APPRECIATE THE OPPORTUNITY TO TESTIFY BEFORE YOU TODAY.

December 31, 1981

Dear Mayor Barry:

The Commission of Fine Arts requests that you declare an immediate moratorium on the issuance of any further permits for the construction of sidewalk cafes in the District of Columbia. We make this request because we believe that until legislation firmly regulating their location and design is enacted, there is a strong likelihood that many of the owners of restaurants, both new and existing, will seize the present opportunity to enclose cafes before tighter regulations are adopted, in the belief that they will stand a good chance of remaining once they are in place. This belief was recently substantiated by at least one restaurant operator in the 4200 block of Wisconsin Avenue, who, I might add, was rushing along construction of his own very substantially enclosed structure without the benefit of any permit whatsoever. In an interview with the Washington Post on December 16, he was quoted as saying "everybody's doing it." While this may be somewhat overstated, we believe there is a good probability that many will be constructed in the next few months unless steps are taken to curb them.

In his testimony before Councilman Clark's hearing on pending cafe regulations, James Gibson asked on behalf of the executive branch that enactment of the bill be delayed pending several months of additional study by his department. The Commission staff reported to us that Mr. Gibson made some very good points in arguing for the delay, and we support his position. However, this is all the more reason to impose an immediate ban on further construction at this time.

I know you believe as I do that the appearance of Washington's streets plays a very important part in maintaining the economic and cultural well-being of the Capital. With proliferation of enclosed sidewalk cafes very likely over the next few months, the appearance of the city's streets and neighborhoods could be seriously affected. The Commission therefore urges you to act as soon as possible to halt this spread of unregulated construction and resulting blight.

Sincerely yours,

SIGNED

J. Carter Brown
Chairman

Honorable Marion S. Barry, Jr.
District Building
14th and E Streets, N. W.
Washington, D. C. 20004

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS MAY 17, 1910

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WASHINGTON, D.C. 20006

EXHIBIT B

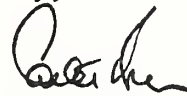
January 12, 1982

Dear Mr. Reiss:

The Commission of Fine Arts was happy to review and approve the modified preliminary design for the Smithsonian's South Quadrangle project at its December 15, 1981 meeting. The simplification of the pavilion designs and the alignment of their horizontal elements is a welcome improvement.

While our primary discussions have focused on the design of the pavilions, we also recognize the importance of the gardens and their attendant landscaping, and look forward to their refinement and review. We applaud the concept of a multi-room garden, but would also encourage greater emphasis on the Castle Tenth-Street axis. This would acknowledge the visual importance of the Castle and provide a necessary division of the "rooms". Obviously, we will be greatly interested in the garden elements, which demand a carefully studied choice of details and materials. A material palette tying the garden, pavilions and existing buildings together will be another area of continuing concern. The Commission feels that present efforts of studying green and pink granite for the pavilions with copper roofs should be continued and that further study might be given to coping, and garden walls, and other details should follow as a unified proposal.

Sincerely,



J. Carter Brown
Chairman

Mr. Phillip K. Reiss, Director
Office of Design and Construction
Smithsonian Institution
955 L'Enfant Plaza S.W.
Washington, D.C. 20024

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WASHINGTON, D.C. 20006

EXHIBIT C

January 10, 1982

Dear Jack:

This confirms that the Commission of Fine Arts discussed the tennis shelter in East Potomac Park and has no objection to the use of a new off-white translucent material cover. The members feel that this color, in contrast to the turquoise color installed eight years ago, will be less conspicuous, particularly as it ages.

Sincerely yours,



J. Carter Brown
Chairman

Mr. Manus J. Fish
Director
National Capital Region
National Capital Planning Commission
1100 Ohio Drive, S.W.
Washington, D.C. 20242

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EXHIBIT D

January 7, 1982

Dear Charles:

The Commission reviewed and disapproved designs for the addition to the Evening Star Building during our December 15, 1981 meeting. In discussing the proposal with representatives of your staff and the architects, the Commission was quick to applaud the preservation of the Old Star Building, but we have reservations about the new portions of the project.

Our rejection was based purely on the design of the facades of the new structures. The problem, in our view, derives partially from the proportions of the window openings and their rhythmic arrangement and composition. The Commission will be meeting again on January 12 *(Gueli)* and February 17, 1982. The staff and I will be available to review alternative studies in the interest of getting the best possible result.

Sincerely,



J. Carter Brown
Chairman

Mr. Charles Gueli
Pennsylvania Avenue Development Corporation
423 13th Street, N. W., Suite 1148
Washington, D. C. 20004

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EXHIBIT E

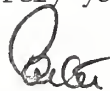
January 19, 1982

Dear Jim:

The Commission of Fine Arts has unanimously rejected the design submitted for our December 15, 1981 meeting proposing a second story balcony extension of the National Theater. This action is based on the design itself, not the concept. Using public space over E Street demands design excellence. The Commission feels that the design is thus far unacceptable.

In our view, building in public space is a serious affair, and permission to do so should not be given lightly. The National Theater is a unique and important institution. While its somewhat bland façade could argue for the type of addition proposed, the submitted design does not come close to the structural logic, successful relationship or elegant festivity required. Thus, our recommendation is for the total restudy of the proposal, or the abandonment of this portion of the project.

Sincerely yours,



J. Carter Brown
Chairman

Mr. James Gibson
Assistant City Administrator
for Planning and Development
District Building
14th and E Streets, N.W., Room 401
Washington, D.C. 20004

